

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

UNITED STATES OF AMERICA,

*Plaintiff,*

*v.*

Case No. 18-CR-62 (PP-DEJ)

BRIAN L. GANOS, SONAG COMPANY, INC.,  
MARK F. SPINDLER, AND NUVO CONSTRUCTION CO., INC.,

*Defendants.*

---

**EX PARTE MOTION FOR LEAVE TO FILE UNDER SEAL**

---

Brian Ganos, by counsel, moves the Court to grant him leave to file under seal, and *ex parte*, his request for the issuance of subpoenas pursuant to Rule 17(c), FED. R. CRIM. P. This request is made pursuant to General L.R. 79(d), E. D. Wisconsin.

Brian Ganos makes this request because, in making the necessary factual showing for why the pretrial subpoenas should be issued, he provides information as to his theory of defense. The disclosure of this information at this time will undermine Ganos' ability to present a defense to the charges and to effective assistance of counsel at trial. It will alert the government well before trial to counsel's trial strategy and work product, and tell the government exactly what to

consider and focus upon in the materials obtained by subpoena. Filing the request for Rule 17(c) subpoenas in this manner is necessary to protect Ganos' rights under the Fifth and Sixth Amendment to the United States Constitution. Accordingly, Brian Ganos believes that there is good cause to seal the document.

**WHEREFORE**, Brian Ganos respectfully requests that the Court grant him leave to file under seal, and ex parte, his request for subpoenas pursuant to Rule 17(c), FED. R. CRIM. P.

Dated at Madison, Wisconsin, April 29, 2019.

Respectfully submitted,

BRIAN GANOS, *Defendant*

*Electronically signed by Stephen P. Hurley*

Stephen P. Hurley

Wisconsin Bar No. 1015654

HURLEY BURISH, S.C.

P.O. Box 1528

33 East Main Street, Suite 400

Madison, WI 53701-1528

(608) 257-0945

F:\-clients\ganos brian\pleadings\motion to seal.docx